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SENSITIVE

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SUBJECT: NEW ELECTORAL COMMISSION APPOINTED

11. (SBU) SUMMARY: The GOZ last week announced the appointment of the Zimbabwe Election Commission, a new institution with potentially important responsibilities in the conduct of the March parliamentary elections. Its composition was worked out in consultation with the opposition MDC, which has grudgingly accepted it despite reservations about its chairman. The Commission is not likely to make a decisive difference in leveling the election playing field here. END SUMMARY.

12. (U) On January 21, the state media reported that President Mugabe had appointed members of the Zimbabwe Electoral Commission (ZEC). Establishment of the Commission, which is charged under the new Election Commission Act to run certain aspects of the elections in March, follows consultations with the Judicial Services Commission and the Parliamentary Legal Committee, the latter of which includes representatives of the opposition MDC party. Mugabe appointed High Court Judge Justice George Mutandwa Chiweshe, a war veteran and former judge in the military court, to chair the Commission. Other Commissioners include Sarah Letty Kachingwe, Chairperson of the Zimbabwe Chapter of the African Women Educationalists and member of the Constitutional Commission in 1999; Vivian Stella Ncube, former chairperson for National Association of NGOs (Western Region) Women's Forum; Professor George Payne Kahari, former Dean of the Faculty of Arts at the University of Zimbabwe and former ambassador to West Germany; and Reverend Jonathan Siyachitema, former Bishop of the Anglican church. Mugabe also named attorney Theophilus Gambe to replace Gula Ndebele, who was named Attorney General, as head of the Electoral Supervisory Commission (ESC).

13. (U) The Act prescribes that the Commission's responsibilities will include, among other things, direction of voter registration, compilation and maintenance of voters' rolls, operation of polling centers, and voter education. (Note: Some of these functions would appear to conflict or overlap with those of the Registrar-General and the ESC, a constitutionally mandated relatively toothless body that oversaw the last election. End note.)

14. (U) In an e-mail circulated to the diplomatic community on January 21, the MDC welcomed the establishment of the Commission and the naming of commissioners Kachingwe, Siyatchetema, Ncube and Kahare. It reported that the four were the "result of a consensus" between the MDC and ZANU-PF in the Standing Rules and Orders Committee of Parliament. The missive expressed "serious reservations" about Chairman Chiweshe stemming from his past handling of cases involving MDC members, but declared that the party "is prepared and will give him the benefit of the doubt." Senior MDC officials and prominent civil society figures publicly voiced skepticism about the commission but did not reject it outright.

Comment

15. (SBU) Many have regarded the establishment of an independent election commission as a litmus test of the GOZ's commitment to implement the SADC election principles. This new commission -- composed with significant input from the opposition and operating under an Act that only allows removal of a commissioner for cause -- could be capable of making a constructive contribution to the election process if permitted to do so. All but Ncube have some past ties to the ruling party but most are well-respected. However, as with so many other GOZ institutions, there is plenty of room for decisive ruling party pressure to be applied against individual commissioners. The Commission's operations also will likely be hampered by apparent overlaps in responsibility with the ESC and Registrar-General. More critically, it remains to be seen the extent to which the Commission is given actual authority and enforcement capacity to change fundamental "environmental" factors effectively under the control of the GOZ, e.g., campaign space, broadcast access, suppression of political violence.

In sum, the commission's significance will lie more in the unfolding of its conduct during the coming months than in the identity of the members.

16. (SBU) The MDC's grudging acceptance of the Commission is further evidence that it intends to rejoin the parliamentary race in spite of a playing field still tilted against it. In playing to diverse domestic and international audiences, it is likely to continue public criticism of the election environment and selected GOZ measures, even as it acknowledges some progress by the GOZ and negotiates quietly with the ruling party. From the ruling party's perspective, the composition of the ZEC is consistent with its own posturing to international galleries - the next in a series of incremental steps to superficially address well-known electoral imbalances without sacrificing decisive control over the election's outcome.